

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

ORUTSARARMUIT NATIVE COUNCIL,  
*et al.*,

Plaintiffs,

v.

UNITED STATES ARMY CORPS OF  
ENGINEERS, *et al.*,

Defendants,

and

DONLIN GOLD, LLC, *et al.*

Intervenor-Defendants.

Case No. 3:23-cv-00071-SLG

**ORDER RE MOTION FOR SCHEDULING ORDER**

Upon consideration of Plaintiffs' *Motion for Scheduling Order* at Docket 46, the motion is hereby GRANTED. The Court acknowledges the Intervenor-Defendants' request to file an additional reply brief, but at least on the current record it is unclear why this departure from the standard practice and local rules of this Court is warranted. Therefore, IT IS ORDERED that the following schedule shall govern any potential motions to supplement or complete the administrative record and briefing on the merits of this case:

1) Regarding the administrative record:

- a) Per the Court's order of September 29, 2023, Doc. 45, Federal Defendants shall lodge the administrative record **by December 4, 2023**.

- b) Plaintiffs and Intervenor-Defendants will endeavor to identify record issues as soon as possible and will provide an initial list of record issues, if any, to Federal Defendants by: **December 20, 2023.**
- c) Plaintiffs and Intervenor-Defendants shall notify Federal Defendants of any issues concerning the sufficiency of the administrative record by: **January 5, 2024.**
- d) If the parties are unable to informally resolve issues concerning the administrative record, Plaintiffs and Intervenor-Defendants shall file motions to supplement or complete the administrative record by: **January 19, 2024.**

2) Regarding merits briefing.

- a) Plaintiffs shall file their opening brief by: **February 16, 2024 (or 45 days after a ruling on motions to supplement or complete the administrative record).**
- b) Federal Defendants shall file their opposition brief by: **April 2, 2024 (or 45 days after Plaintiffs' opening brief).**
- c) Intervenor-Defendants shall file their opposition briefs by: **April 16, 2024 (or fourteen days after Federal Defendants' opposition brief).**
- d) Plaintiffs shall file their reply brief by: **May 7, 2024 (or 21 days after Intervenor-Defendants' opposition briefs).**
- e) Federal Defendants and Intervenor-Defendants shall provide Plaintiffs with a list of citations for inclusion in the joint appendix by: **May 7, 2024 (or 21 days after Intervenor-Defendants' opposition briefs.)**

Case No. 3:23-cv-00071-SLG, *Orutsararmiut Native Council, et al. v. U.S. Army Corps of Engineers, et al.*

Order re Motion for Scheduling Order

Page 2 of 3

[Case 3:23-cv-00071-SLG Document 47 Filed 10/10/23 Page 2 of 3](#)

- f) Plaintiffs shall circulate a draft of the joint appendix to Federal Defendants and Intervenor-Defendants by: **May 17, 2024 (or 10 days after Plaintiffs' Reply Brief).**
- g) Federal Defendants and Intervenor-Defendants shall provide any edits to the joint appendix to Plaintiffs by: **May 21, 2024 (or 4 days after Plaintiffs circulate the draft joint appendix).**
- h) Plaintiffs shall file the joint appendix: **May 23, 2024 (or 16 days after Plaintiffs' reply brief).**

IT IS SO ORDERED.

DATED this 10th day of October 2023, at Anchorage, Alaska.

/s/ Sharon L. Gleason  
UNITED STATES DISTRICT JUDGE